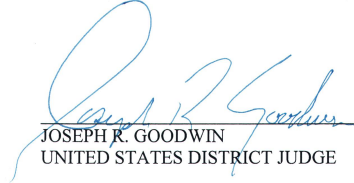


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**DENIED and SO ORDERED.
ENTER: 4/23/2020**

CHARLESTON DIVISION

**IN RE: BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION**


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

**MDL NO. 2326
Honorable Joseph R. Goodwin**

This Document Relates to:

RAEANN BAYLESS,

Plaintiff,

v.

**BOSTON SCIENTIFIC
CORPORATION, ET AL.,**

Defendants.

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CIVIL ACTION NO. 2:16-cv-01311

**DEFENDANT COLOPLAST CORP.'S JOINDER IN BOSTON SCIENTIFIC'S MOTION
TO EXTEND SCHEDULING DEADLINES UNDER PRETRIAL ORDER NO. 187
(AMENDED DOCKET CONTROL ORDER – WAVE 4 CASES)**

Defendant Coloplast Corp. (“Coloplast”), through the undersigned counsel, respectfully joins and requests that the Court grant Defendant Boston Scientific Corporation’s (“Boston Scientific”) motion filed in all of Boston Scientific’s Wave 4 cases in MDL 2326 [Doc. No. 6832], seeking to extend the remaining deadlines under Pretrial Order No. 187 for a period of approximately sixty (60) days, as additional time is necessary to ensure thorough and proper discovery in this case. Plaintiffs’ Lead Counsel has filed a Response confirming that Plaintiffs

do not object to the relief sought in Boston Scientific's Motion [Doc. No. 6871].

Boston Scientific's proposed deadlines, to which Plaintiffs' Lead Counsel does not object, are as follows:

	Existing Deadline	Proposed Deadline
Deposition deadline and close of discovery	10/4/2018	12/3/2018
Filing of Dispositive Motions	10/18/2018	12/7/2018
Response to Dispositive Motions	10/25/2018	12/14/2018
Reply to Response to Dispositive Motions	11/1/2018	12/21/2018
Filing of <i>Daubert</i> Motions	10/18/2018	12/7/2018
Response to <i>Daubert</i> Motions	10/25/2018	12/14/2018
Reply to Response to <i>Daubert</i> Motions	11/1/2018	12/21/2018

Coloplast joins Boston Scientific's request that the Court enter these proposed deadlines to replace the existing deadlines under Pretrial Order No. 187.

BACKGROUND

To date, the parties have completed the depositions of Plaintiff Raeann Bayless and implanting physician Dr. Kathy Y. Jones, and have engaged in written discovery. However, Coloplast has not been able to depose several witnesses who possess facts significant to the issues in this case because of the unavailability of the witnesses. For instance, Coloplast has attempted to coordinate with Plaintiff's counsel on the availability of Dr. Bruce Rosenzweig, who Plaintiff has designated as her specific causation expert, but has been unable to secure a deposition date prior to the October 4, 2018 close of discovery. Out of necessity, Coloplast filed a deposition notice prior to the close of discovery for Plaintiff's designated specific causation expert Dr. Rosenzweig, but Coloplast has not been provided information that the witness has

availability to attend on this date, and the deposition is not likely to go forward as noticed.

ARGUMENT

The extension of deadlines proposed by Boston Scientific is necessary and warranted in this matter to safeguard Coloplast's ability to perform discovery and file factually supported pre-trial briefing and prepare pretrial motions. Despite Coloplast's reasonable and diligent efforts to complete discovery in this case—which is one of the dozens of active cases that Coloplast has in this and other Multi-District Litigations as well as the other female pelvic mesh Multi-District Litigations in this Court—the current scheduling order does not allow adequate time for Coloplast to conduct meaningful discovery and pre-trial briefing in this case.

With expert discovery hindered, the filing of dispositive motions and *Daubert* motions by October 18, 2018 is premature and infeasible. In the interest of justice and fairness, additional time is necessary to ensure Coloplast has the ability to depose important witnesses and complete expert discovery.

For these reasons, Coloplast respectfully requests that the Court grant Boston Scientific's unopposed motion and grant an extension of the deadlines delineated in PTO No. 187 as detailed above.

Dated: October 3, 2018

Respectfully submitted,

/s/ Lana K. Varney

Lana K. Varney

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Attorney for Defendant Coloplast Corp.

CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2018, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

Respectfully submitted,

/s/ Lana K. Varney

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